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10/562,031	04/21/2006	Markus Schmidt	32860-000964/US	5552
30596 7590 04/01/2010 HARNESS, DICKEY & PIERCE, P.L.C. P.O.BOX 8910 RESTON, VA 20195				
EXAMINER COLBERT, ELLA				
ART UNIT		PAPER NUMBER		
3694				
NOTIFICATION DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

**Application No.**

10/562,031

**Applicant(s)**

SCHMIDT ET AL.

**Examiner**

Ella Colbert

**Art Unit**

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/226)  
Paper No(s)/Mail Date 12/22/05 and 7/12/07
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-19 are pending in the instant application filed 12/22/05.
2. The IDSs filed 12/22/05 and 7/12/07 have been considered and entered.

### ***Claim Objections***

Claims 1- 3, 6, 7, 11, and 12 are objected to because of the following informalities: Claim 1 recites in the preamble "A method for admitting an information provider to a method for transmitting information ..., the method comprising:". The preamble as written is considered redundant. The preamble would be better written as "A method for admitting an information provider to transmit information ..., the method comprising:" Claims 3, 6, 7, and 11 have a similar issue with "method" in the claim limitations. Claims 2 needs an "and" inserted after "information provider" and before "sending test request data". Claim 12 recites "a control unit which causes search results ... the relevant information seeker correspond to the information offer data ...". This claim limitation would be better recited as "a control unit which causes search results ... the relevant information seeker corresponds to the information offer data ...". Claim 3 has a similar issue. Appropriate correction is required.

Applicants' are respectfully requested to review the claim limitations for proper idiomatic English is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4, 6, 8, 9, 11-14, 16-18, and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "evaluating quality of the test data ...;". There appears to be a word missing from this claim limitation because the claim limitation does not make sense as written. The best that can be determined is "the" should be inserted after "evaluating" and before "quality".

Claim 3 contains a conditional statement. It is unclear and indefinite in the fourth claim limitation what happens if the information enquiry data of the information seeker does not correspond to the information offer data of an information provider. Also claim 3 needs the "have" changed to "has" in the body of the claim in lines 1 and 4. Claims 2 and 12 have a similar issue

Claim 8 recites "an information seeker first transmits ... information enquiry data are automatically forwarded from there at least partially to the transmission device and ... which sorts or normalizes at least one of information offer data ... associated information provider data before they are transmitted ...". These claim limitations would be better recited as "an information seeker first transmits ... information enquiry data are automatically forwarded at least partially from the information seeker to the transmission device and ... which sorts or normalizes at least one of information offer data ... associated information provider data before being transmitted ...". Claim 9 has a similar issue.

Claim 1 the body of the claim reciting "test data" has a lack of connection to the preamble and the title of the invention. Claims 2, 4, 6, 11, 13, 14, 16, 18, and 19 have a similar issue.

Claims 11 and 16 with the recitation of "a method" in the body of the claim when the preamble recites "A transmission device" crosses to statutory classes of invention.

It is unclear in claims 16-19 whether Applicants' are attempting to invoke 35 USC 112, 6<sup>th</sup> Paragraph. It is presumed for examination purposes that 35 USC 112, 6<sup>th</sup> Paragraph is being invoked.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 11, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by (US 5,960,403) Brown.

Claim 1. Brown discloses, A method for admitting an information provider to a method for transmitting information between information providers and information seekers via a transmission device, the method comprising:

receiving test data which by an information provider to the transmission device representing information offered by the information provider (col. 3, line 33-col. 4, line 4); evaluating quality of the test data by the transmission device (col. 4, lines 5-14); and admitting the information provider by the transmission device to the method for

transmitting information between information providers and information seekers in dependence on the quality of the test data (col. 5, lines 4-25).

Claim 2. Brown discloses, The method as claimed in claim 1, wherein the reception of test data is preceded by the following steps:

receiving offer signaling data which have been transmitted to the transmission device by an information provider (col. 9, lines 31-48), and sending test request data from the transmission device to the information provider (col. 9, line 49-col. 10, line 12).

Claim 11. This independent claim is rejected for the similar rationale as given above for claim 1.

Claim 16. This independent claim is rejected for the similar rationale as given above for claims 1 and 11.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-10, 12-15, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,960,403) Brown as applied to claims 1, 2, 11, and 16 above, and further in view of (WO 02/06990) Jacobson.

Claim 3. Brown discloses, The method as claimed in claim 1, wherein the method for transmitting information between information providers and information seekers via a transmitting device comprises the following steps: receiving information enquiry data

which have been transmitted to the transmitting device by information seekers (col. 10, lines 24-46), receiving information offer data which have been transmitted to the transmission device by an admitted information provider and which represent information offered by the respective information provider (col. 10, line 47-col. 11, line 7). Brown failed to disclose, comparing the information enquiry data and the information offer data for determining corresponding information enquiry data and information offer data, and transmitting search result data to a terminal of an information seeker if the information enquiry data of the information seeker correspond to the information offer data of an information provider. Jacobson discloses, comparing the information enquiry data and the information offer data for determining corresponding information enquiry data and information offer data (Pg. 6, lines 1-24), and transmitting search result data to a terminal of an information seeker if the information enquiry data of the information seeker correspond to the information offer data of an information provider (Pg. 7, lines 1-26). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Jacobson in Brown because such an incorporation would allow Brown to receive the data that a search engine retrieves from a user inquiry for information.

Claim 4. Brown discloses, The method as claimed in claim 1, wherein at least one of test data and information offer data are transmitted encrypted between an information provider and the transmission device (col. 11, line 57-col. 12, line 19).

Claim 5. Brown discloses, The method as claimed in claim 1, wherein at least one of information enquiry data and/or search result data are transmitted encrypted between

an information seeker and the transmission device (col. 10, lines 13-46).

Claim 6. Brown discloses, The method as claimed in claim 1, wherein the evaluation of the quality of the test data is stored correlated with the corresponding information provider in the transmission device in order to generate an evaluation history correlated with the corresponding information provider (col. 10, line 62-col. 11, line 35), and that the admission of the information provider by the transmission device to the method for transmission information between information providers and information seekers is made dependent on the evaluation history of the information provider (col. 10, line 62-col. 11, line 35 and line 57-col. 12, line 60).

Claim 7. Brown discloses, The method as claimed in claim 1, wherein the quality of the information transmitted to an information seeker is evaluated by the information seeker, wherein the evaluation of the quality is transmitted from the information seeker to the transmission device and is stored correlated with the corresponding information provider in the transmission device in order to generate an evaluation history correlated with the corresponding information provider (col. 11, line 36-col. 12, line 19. Brown and Jacobson failed to disclose, wherein the admission of the information provider by the transmission device to the method for transmission information between information providers and information seekers is made dependent on the evaluation history of the information provider. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the admission of the information provider by the transmission device to have access to the transmission information between information providers and information seekers dependent on the evaluation history of



the information provider in order to have better and faster communication between the information providers and the information seekers.

Claim 8. Brown and Jacobson failed to disclose, The method as claimed in claim 1, wherein an information seeker first transmits the information enquiry data to an enquirer function unit allocated to the information seeker and the information enquiry data are automatically forwarded from there at least partially to the transmission device and the transmission device transmits the search result data to the enquirer function unit which sorts or normalizes information offer data contained therein and associated information provider data before they are transmitted to the information seeker. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have an information seeker first transmit the information enquiry data to an enquirer function unit allocated to the information seeker and the information enquiry data automatically forwarded from there at least partially to the transmission device and the transmission device transmit the search result data to the enquirer function unit which sorts or normalizes information offer data contained therein and associated information provider data before being transmitted to the information seeker because this allows for a faster transmission of information to an information seeker. Sorting is well-known in the art of searching for information.

Claim 9. Brown discloses, The method as claimed in claim 1, wherein at least one of, an information provider first transmits the information offer data to a provider function unit associated with the information provider and the information offer data are automatically forwarded from there at least partially to the transmission device, and

the transmission device transmits information enquiry data matching the information offer data of the information provider to the provider function unit which initiates the more detailed comparison with the information represented by the information offer data by the associated data comparison device (col. 3, line 44-col. 4, line 14 and col. 6, lines 48-62) .

Claim 10. Brown discloses, The method as claimed in claim 1, wherein the evaluation of at least one of the quality and the evaluation history is transmitted to the information seeker (col. 6, line 63-col. 7, line 31).

Claim 12. This dependent transmission device claim corresponds to the method claim 3 and is rejected for the similar rationale as given above for Claim 3.

Claims 13, 14, 18, and 19. Brown discloses, comprising a storage device to store the evaluation of the quality of test data (col. 5, line 33-col. 6, line 6).

Claim 15. This dependent claim is rejected for the similar rationale as given above for claim 5.

Claim 17 . This dependent claim is rejected for the similar rationale as given above for claims 3 and 12.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(WO 98/48546) Csaszar et al.; (US 6,055,512) Dean et al.; (US 5,878,215) Kling et al.; (US 2003/0233397) Katz et al.; (US 5,987,454) Hobbs; (US 2003/0221010) Yoneya et al.

### **Inquiries**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on a Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Trammell James can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ella Colbert/  
Primary Examiner, Art Unit 3694

March 22, 2010